

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDGAR ENCARNACION-LAFONTAINE,

Petitioner,

-v-

CIVIL ACTION NO.: 20 Civ. 1170 (JSR) (SLC)

UNITED STATES OF AMERICA,

ORDER

Respondent.

SARAH L. CAVE, United States Magistrate Judge.

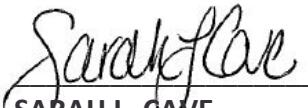
The Court is in receipt of a “Letter of Rogatory” filed in Petitioner Edgar Encarnacion-Lafontaine’s name by his sister Niurka Encarnacion, who describes herself as a “Third party intervenor” and an “Attorney-in-Fact, not at Law.” (ECF No. 17 at 1). Ms. Encarnacion, who purports to “ha[ve] Power of Attorney,” asks that “this Court enter Default Judgment and Void Judgements[] [sic] for all the charges.” (Id. at 4, 6 (emphasis omitted)).

As the Honorable Jed. S. Rakoff noted in response to a filing by Ms. Encarnacion in Petitioner’s related criminal proceeding, “the law is clear that ‘a person ordinarily may not appear pro se in the cause of another person or entity,’ even where ‘the person bringing the action on behalf of another person has power of attorney.’” United States v. Encarnacion-Lafontaine, 13 Cr. 30 (JSR), ECF No. 198 at 2 (quoting Rumph v. City of New York, 18 Civ. 8862 (CM), 2019 WL 1900335, at *1 (S.D.N.Y. 2019)) (internal citation omitted). Accordingly, the Court does not construe Ms. Encarnacion’s filing as properly seeking any relief, and thus will not direct the Government to respond and will not take any further action on the filing.

The Clerk of Court is respectfully directed to mail a copy of this Order to Petitioner at the below address.

Dated: New York, New York
December 7, 2021

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Mail to:

Edgar Encarnacion-Lafontaine
Reg. No. 66452-054
Manchester Correctional Facility
P.O. Box 4000
Manchester, KY 40962-4000